

Appl. No. 10/670,923
Amdt. dated Oct. 22, 2004
Reply to Office action of July 23, 2004

REMARKS/ARGUMENTS

Original claims 1-5 as set forth on page 9 of this response, were originally filed with this application.

The Examiner has rejected all the originally filed claims.

Claim 1 has now been amended to put the claim in Jepson form, wherein the clip is combined with a prior art panel in a suspended ceiling. This further distinguishes the claim over the cited prior art, particularly Lorber '850 patent, which is for a paper clip.

Independent claim 1, and independent claims 2, 3, and 5, as originally filed, among other elements, require the clip to have a "... downwardly biased flexible hinge...".

The Examiner has conceded that the Clunn '247 patent, the basic reference on which claims 1 to 3, and 5, have been rejected, has no "...flexible hinge". The Examiner did not, however, refer to the lack of the "...downwardly biased" limitation in the cited art. It is this particularly this feature of the present invention, that, in addition to the hinge, permits the clip to yield to various size ceiling panels

while, at the same time, exerting force downward to hold a ceiling panel in place.

Furthermore, it is through the use of resins of varying rigidity, as set forth in claim 1, that such "...downwardly biased flexible hinge..." is achieved in the present integrally formed clip. The Clunn '247 patent has no "...downwardly biased flexible hinge..." that uses resins of varying rigidity in its clip 50, since the clip 50 is obviously of uniformly rigid sheet metal that is used to compress gaskets on the periphery of ceiling panels (col. 7, lines 32-35), and is briefly referred to as "...a conventional hold down clip" to hold a panel in place (col. 8, lines 9 to 19). Such clips merely pushed the panels downwardly against resilient edges formed on the suspended panels, but they, themselves, do not yield.

The Examiner further combines Clunn '247 with the Lorber '850 patent. The '850 patent is for a clip that holds paper sheets together, which is completely remote from the suspended ceiling field. Obviously, the paper clip of the '850 patent could not be used on a beam, and there is nothing to suggest that it should be combined with Clunn '247. For instance, the

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legs 1 and 20 are going in directions, when used as a clip, that are totally different from directions in the present clip for holding down panels in a suspended ceiling.

Based on the above analysis of the cited patents, and present amended claim 1, applicant respectfully argues neither cited patent suggests combining with the other, and even if combined, no one would know what features should be selected and which should be deleted to obtain the clip of the invention, as claimed.

Claim 4, which is dependent on claim 1, has been rejected over Clunn '247, combined with Lorber '850, further in view of the tabs of Tinnerman '302.

The '302 clip is of sheet metal that lacks the "downward biased flexible hinge..." limitation set forth in independent claim 1, and thus a limitation in independent claim 4.

Again, there is nothing in the '302 patent that suggests a combination with the '247 and '850 patents, and even if combined, no one would know what and which features to combine and which features to delete, without the teaching of the present application.

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The omitted reference characters 45 and 46 have been added to the drawings accompanying this response.

In preparing this response, the undersigned discovered Design Patent 421,897, issued March 28, 2000 for Ceiling Panel Hold Down Clip. A Supplemental Disclosure Statement is being filed herewith citing this patent. The clip of this '897 patent appears virtually identical in design to the clip of the Clunn '247 patent, so that the distinctions set forth above with respect to Clunn '247, and any combinations with the '247 patent, are equally applicable to the '897 patent.

Applicant respectfully requests reconsideration and early allowance of the claims in this case.

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Respectfully submitted,



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Listing of Original Claims

Claim 1. A clip for holding down panels in a suspended ceiling integrally formed of synthetic resin and comprising an upper inverted U section with downwardly extending arms, a leg depending from each of the arms of the upper inverted U section, and a downwardly biased hinge connecting each of the legs to the inverted section, wherein the resin forming the upper inverted U section, and the legs, is relatively rigid, and the resin forming the hinges is relatively flexible.

Claim 2. The clip of claim 1 wherein the clip is fabricated by a dual extrusion process.

Claim 3. The clip of claim 2 wherein the synthetic resin is polyvinyl chloride.

Claim 4. The clip of claim 1 wherein the upper inverted U section has tabs on the inside of the U for locking the clip to the bulb of a grid beam.

Claim 5. The clip of claim 1 wherein the upper inverted U section has rounded portion on the bottom of each leg.

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Amendments to the Drawings

The attached two sheets of drawings includes changes to Figures 1 through 6. These sheets replace the original sheets. In these Figures, previously omitted elements 45 and 46 have been added.

Attachment: Replacement Sheet

Annotated Sheet showing changes

FIG. 1

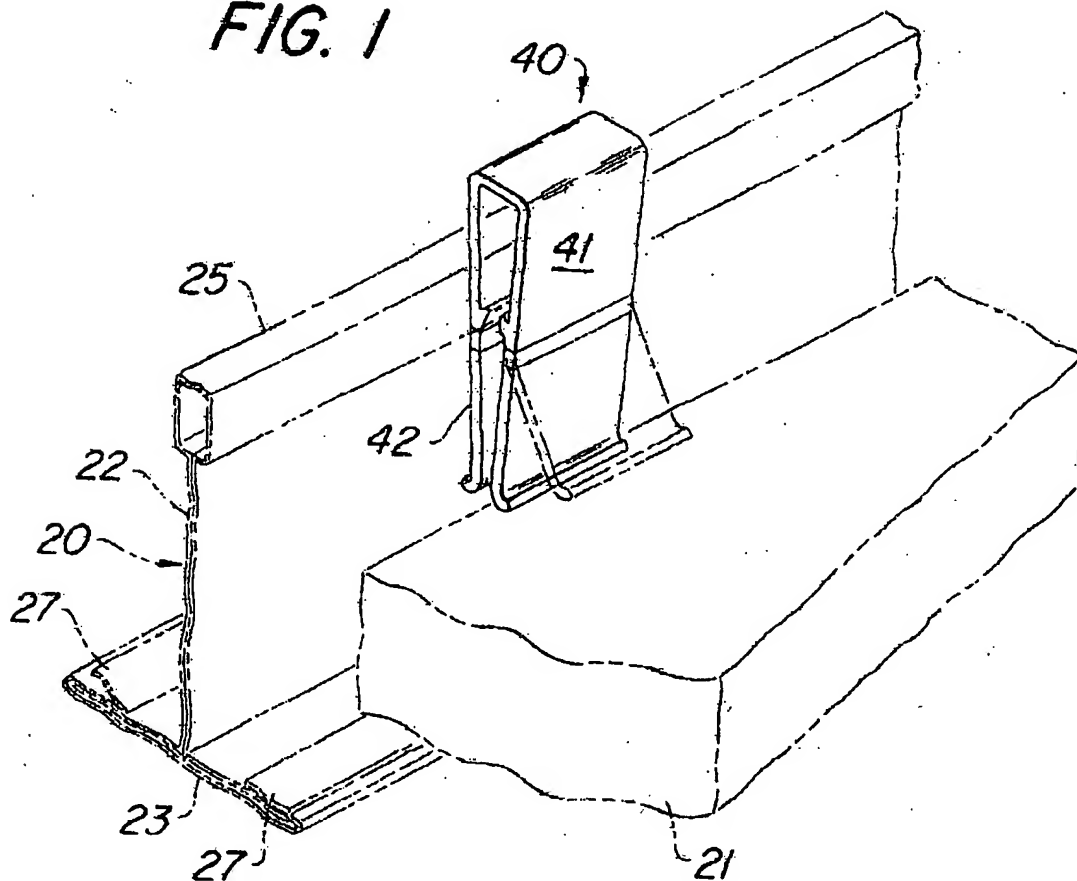


FIG. 2

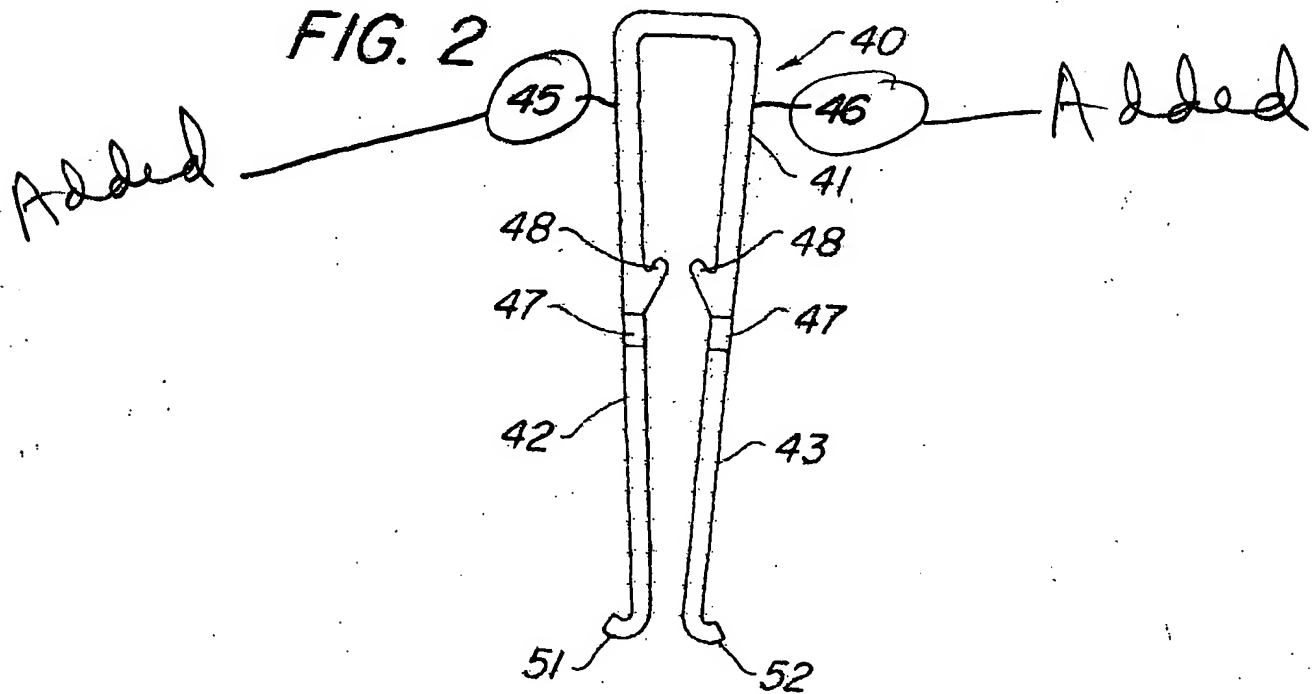


FIG. 3

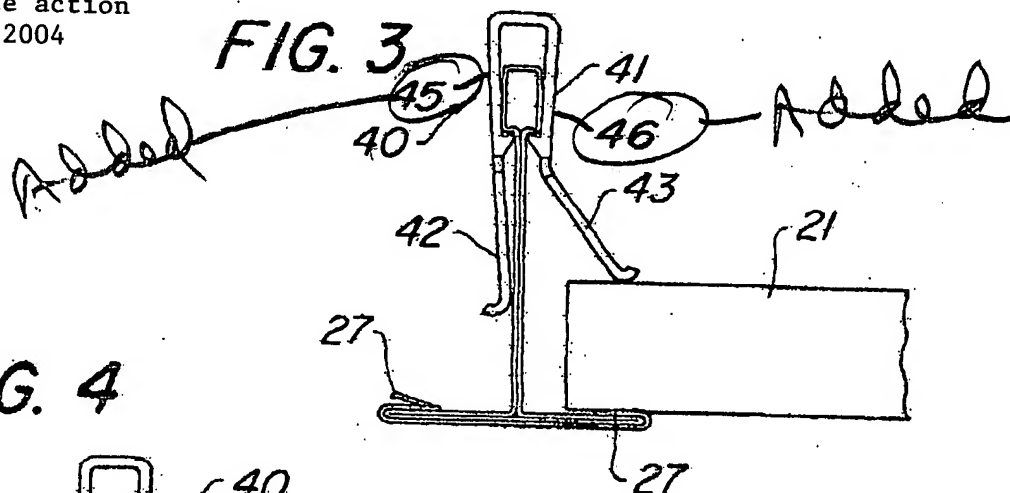


FIG. 4

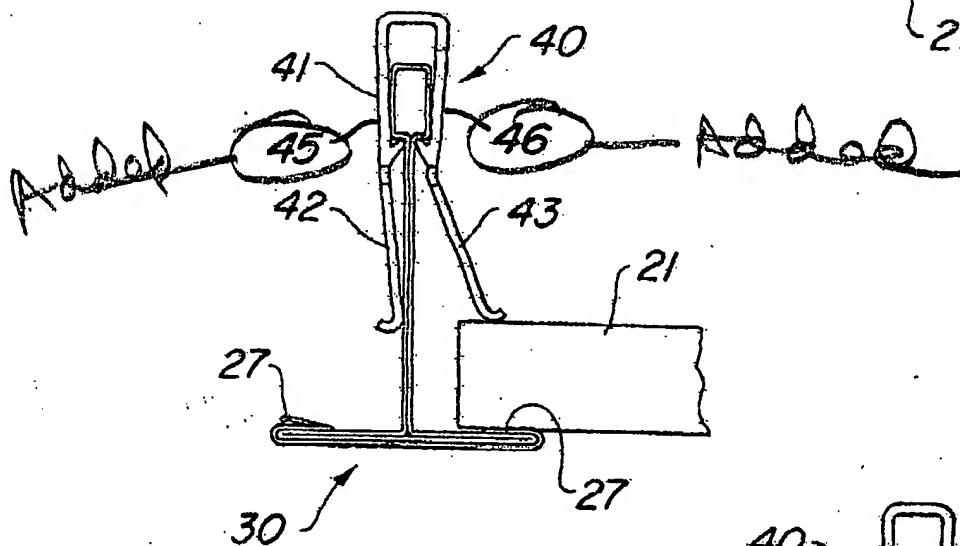


FIG. 5

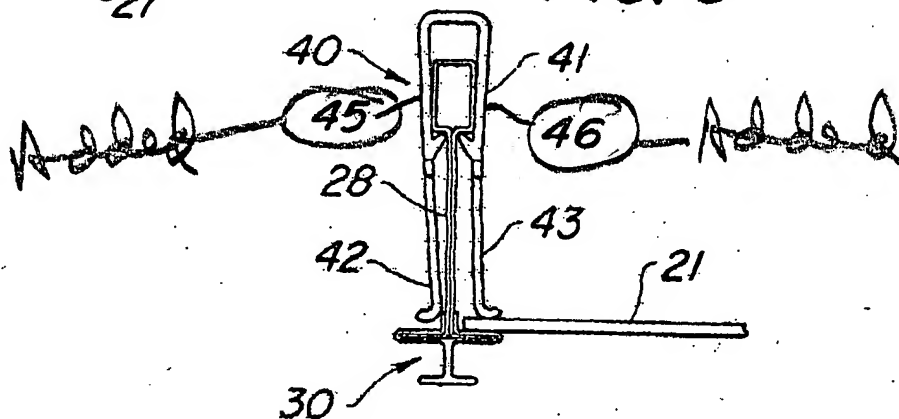


FIG. 6

